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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,360	01/17/2006	Thomas Kley	4590-416	2655
33308 7590 05/04/2010 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD, SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER				
LEE, BENNY T				
ART UNIT		PAPER NUMBER		
2817				
MAIL DATE		DELIVERY MODE		
05/04/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/537,360

**Applicant(s)**

KLEY ET AL.

**Examiner**

Benny Lee

**Art Unit**

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-31 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

This application is in condition for allowance except for the following formal matters:

**In the Claims:**

The following claims have been found to be objectionable for reasons set forth below:

In claim 3, line 3, it is noted that the recitation of “a height” (i.e. for the dielectric body) being “essential equal to the thickness” of the resonator element appears to be a redundant recitation, especially in view of the recitation in claim 1 (from which this claim ultimately depends) that the dielectric body has “the same thickness” as the thickness of the resonator element and thus appears unnecessary herein. Appropriate clarification is needed.

In claim 9, line 4, it is noted that the recitation “for the side walls” should be rephrased as --for providing side walls-- for an appropriate characterization.

In claim 26, line 3, it is noted that “ilectric” should be correctly spelled as --dielectric--.

In all appropriate claims, note that in view of the plural number of features associated with the “filter”, the examiner suggests that for the plural features recited in the dependent claims, such features should be defined as being --respective-- and --corresponding-- ones of the plural features for appropriate characterizations, as follow:

In claim 1, lines 3, 6, note that --respective-- should precede “ring-like” (i.e. line 3) & precede “dielectric body” (i.e. line 6), respectively for an appropriate characterization.

In claim 3, line 2, it is noted that “corresponding” should be rewritten as --respective-- for an appropriate characterization.

In claim 12, line 2, it is noted that --respective-- should precede “circular opening” for an appropriate characterization.

In claim 13, line 2, note that “corresponding” should be rewritten as --respective-- & “respective” should be rewritten as --corresponding--, respectively for an appropriate characterization; line 3, note that --respective-- should precede “tuning element” & --corresponding-- should precede “cavity”, respectively for an appropriate characterization.

In claim 14, note that --respective-- should precede the following terms: “tuning element” (i.e. line 2); “opening” (i.e. line 3); “holder” (i.e. line 4); “motor” (i.e. lines 5, 6, 7); “gearbox” (line 6). Also, note that --corresponding-- should precede the following terms: “fixed holder” (i.e. line 2); “opening” (i.e. line 4); “holder” (i.e. lines 5, 6).

In claim 15, it is noted that --respective-- should precede “motor” for an appropriate characterization.

In claim 16, note that --respective-- should precede the following terms: “gearbox” (i.e. line 2); “housing” (i.e. line 2 (second occurrence) & line 5); “motor” (i.e. line 3); “holder” (line 4). Also, note that --corresponding-- should precede the following terms: “housing” (i.e. line 2, first occurrence); “housing” (i.e. line 4).

In claim 17, note that --respective-- should precede the following terms: “gearbox” (i.e. lines 2, 5); “rotating element” (i.e. lines 4, 5); “gearbox” (i.e. line 5); “drive shaft” (i.e. line 6); “gearwheel” (line 6). Also, note that --corresponding-- should precede the following terms: “rotating element” (i.e. line 2); “holder” (i.e. line 3); “drive shaft” (i.e. line 3) “gearwheel” (i.e. line 4); “motor” (i.e. line 5).

In claim 18, line 2, note that --respective-- should precede “rotating element” for an appropriate characterization.

In claim 19, it is noted that --respective-- should precede “gearwheel” for an appropriate characterization.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Claims 1-31 are allowable over the prior art of record.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number 571 272 1764.

**/BENNY LEE/  
PRIMARY EXAMINER  
ART UNIT 2817**

B. Lee